IV. Remarks/Arguments

This Second Proposed Amendment After Final is being made in response to the Advisory Action mailed 10/12/2006 and further to the telephone interview summarized above. As noted above, the first proposed Amendment After Final has been incorporated herein by reference.

A. Formal Requirements

Applicant notes that he has complied with "all formal requirements" with respect to the pending application in accordance with 37 CFR 1.111(b) and MPEP § 707.07(a).

B. Objection to "rivets" as New Matter

Applicant respectfully traverses the indication in the Advisory Action that adding a specific reference to "rivets or the like" introduces new matter. Applicant believes that "rivets or the like" is within the attachment means suggested in the remainder of paragraph [026] as filed. However, so as to move the current application to allowance, the specific reference to "rivets or the like" has been removed without prejudice. This amendment is not being made to overcome prior art or for any other reasons related to patentability.

C. The Rejection of Independent Claims 1 and 16

Independent claims 1 and 16 (and others) currently stand rejected under 35 U.S.C. § 103(a) in view of Spooner (U.S. Patent Publication No. 2002/0092481).

Independent claims 1 and 16 have been further amended as stated above. First, the phrase "elongate and flexible" (added in the September 18, 2006 amendment) has been removed. This is not a limiting amendment, and is not being made to overcome any prior art or for any other reasons related to patentability. Rather, it is being made in response to the reasons stated in the Advisory Action as to why the first proposed Amendment after Final was not entered.

Second, so as to more clearly describe the braided nature of the individual strands of the conductive elements, the phrase "hair-braid-like" has been added. The addition of this phrase is not considered an additional limitation over and above the use of the words "braid," "braid-like" and "braided" in the claims as filed, and this amendment is not being made to overcome prior art, as applicant believes the use of the word "braid" in reference to the conductive element distinguishes the cited prior art (as does the use of "sewing" as the attachment means as well).

For example, the use of the term "hair-braid-like" does not limit the resultant braid to any particular number of individual strands or to the one-over style braiding that is often used in hair braiding. Rather, the "braid" of this invention could have any number of strands and could use any braiding style, such as three-over-one, or such as alternating one-over-one and then four-over-two, for examples.

Also so as to move this application into condition for prompt allowance in view of what applicant believes to be infringing product newly introduced into the market, applicant has in essence combined independent claim 1 with dependent claim 4, and independent claim 16 with dependent claim 17. Applicant does not believe his invention is necessarily limited to a sewn device, but is adding that limitation for the claims here at issue so as to very clearly place the currently pending claims into a condition for allowance.

Lastly, so as to provide further clarity as to the meaning and scope of independent claims 1 and 16, new dependent claims 28 to 31 have been added. These dependent claims present no New Matter nor any new issues of patentability.

WHEREFORE, Applicant believes that all formal matters have been complied with, that this Second Proposed Amendment After Final does meet the criteria for entry, and that all of the pending claims are now in a condition for allowance, and thus Applicant respectfully requests that this Second Proposed Amendment After Final be entered, and that a Notice of Allowance of all pending claims as stated herein be issued in this case.

If the Examiner believes a further telephone interview would be helpful, such a call would be welcomed.

October 25, 2006

Respectfully submitted,

JONES DAY

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